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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12
13

14 UNITED STATES OF AMERICA,)	No.: CR 06-0426 SI
)	
15 Plaintiff,)	PROPOSED ORDER
)	EXCLUDING TIME
16 v.)	
)	
17 JAY YUAN,)	
)	
18 Defendant.)	
)	

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21 This matter came on for hearing before the Court on June 26, 2006. Defendant Jay Yuan
22 appeared represented by Randy Sue Pollock. The United States appeared through Assistant U.S.
23 Attorney Barbara Silano. Defendant Yuan was released on bail.

24 The parties have represented that the government has previously provided voluminous
25 discovery materials (according to the government, it includes more than 150,000 pages of
26 images, plus DVD's and CD-ROMs as well as videotapes) to other defense counsel for other
27 defendants charged in this and related cases. (The Court is familiar with the underlying case,
28 United States v. Enrique Chan, et al., CR 05-0375 SI, which stemmed from a wiretap
investigation and involved numerous defendants.) Defense counsel and the defendant have

ORDER EXCLUDING TIME

1 requested the continuance and agreed that a Speedy Trial Act exclusion is appropriate under 18
2 U.S.C. § 3161(h)(8), based upon counsel's need to review the discovery and become familiar
3 with the case, and that it was necessary to provide reasonable time for effective preparation,
4 taking into account the exercise of due diligence.

5 The next date for this case is September 1, 2006 at 11:00 a.m. before United States
6 District Judge Susan Illston.

7 Accordingly, THE COURT FINDS that a continuance from June 27, 2006 through and
8 including September 1, 2006 is appropriate, and that the ends of justice served by granting such a
9 continuance outweigh the best interest of the public and the defendant in a speedy trial. THE
10 COURT FURTHER FINDS that failure to grant such a continuance would deny the defendant
11 and his counsel the reasonable time necessary for effective preparation of the case (including
12 review of the voluminous discovery), taking into account the exercise of due diligence. THE
13 COURT THEREFORE ORDERS that the period from June 27, 2006 through September 1, 2006
14 is excludible time within the meaning of 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

15
16 DATED: 8/8/06


HON. NANDOR VADAS
United States Magistrate Judge